

REMARKS

The present invention provides an efficiency in permitting a personal response to a user of a website such as an electronic catalog with online products, who is making a specific inquiry relative to, for example, products that are displayed. A responder individual, who is employed on behalf of the electronic catalog company, can be provided additional resources as a result of the present invention to enable an efficient and precise response to any inquiry from the potential customer.

The responder, operating from his/her terminal, will have displayed on a screen specific information as a result of the execution of an algorithm as defined, for example in the processing steps and unit in the inquiry processing apparatus of the present invention. Specifically to avoid wasted and expensive labor time and to improve the capability of being responsive in an intelligent manner to a potential customer, our present invention permits the recording of a history of the provision of viewed content pages by the customer to the specific browser terminal. This data history includes providing page information indicating content pages having been previously provided by the browser terminal and further, establishing a hierarchical level to enable a ranking system with regards to the previously provided content pages.

Thus, when the user enters into an inquiry page via the browser terminal and asks specific information, our invention is capable of judging, in an automatic manner, what level in the hierarchical ranking of content pages have been previously provided, with this information displayed at the responding terminal so that the responder will have the result of the judgment and the page information along with the inquiry from the user.

As can be determined, to enable an efficient use of an algorithm, the recording history of past content pages from that specific browser can be stored and subject to the execution of the

algorithm and a judging step and a providing step is executed to provide information to the responding terminal display.

The Office Action rejected Claims 1-10 as being unpatentable over *Osuga* (JP Pub No. 2002-007887) in view of *Fushimi et al.* (US Publication 2004/0148232).

Osuga discloses a method of responding to a user inquiry which consists of multiple questions by allowing different persons to respond to different questions in the user inquiry. (*Osuga*, Para. 0008). The goal of *Osuga* is to allow an organization to receive a user inquiry with multiple questions, and then distribute the questions to multiple responders who are not located within the organization. (*Osuga*, Para. 0005). In situations when the volume of user inquiries increases, the organization may be limited in the number of responders available within the organization to answer user inquiries. *Osuga* distributes questions in an inquiry with multiple questions to persons outside of the organization who are capable of responding to the questions. The responses from the multiple persons answering the questions are then compiled by a “person in charge” within the organization who then provides a single response back to a user. (*Osuga*, Para. 0008).

With respect to Claim 1, the Office Action asserts that *Osuga* discloses

“a recording unit configured to record therein a history of the provision of content pages to the browser terminal, the history including provided-page information indicating content pages having been provided to the browser terminal and provided-level information indicating a hierarchical level of each of the provided content pages”

by referring to Paragraphs 0009-0019 and Claims 1 and 2 of *Osuga*. (Office Action, Page 2).

However, *Osuga* discloses “a questioner database holding a questioner’s address and reply history.” (*Osuga*, Para 0009). The reply history in *Osuga* simply refers to a questioner’s

past inquiries and corresponding replies received from the organization. (*Osuga*, Para 0019). The reply history in *Osuga* is used by the organization to determine the appropriate person to direct a user's question to. *Osuga* states:

“Screen 123 for well-informed persons which presents the past reply situation and receives the reply to said question, and the question distribution person in charge 18 who distributes a question to the question of said first kind and the question of said second kind are attested...Screen 122 for reply persons in charge which attest the respondent to the question of said first kind, presents a question, presents the past reply situation by said respondent's request, and receives the reply to said question.” (*Osuga*, Para. 0022).

The reply history in *Osuga* is not a history of content pages viewed by a user. *Osuga* does not disclose a recording unit or any means of recording a user's browsing history. In contrast, Applicant's system comprises a recording unit configured to record the history of content pages viewed by a user through a browser terminal. (*Spec.*, Page 11, Lines 18-20).

Furthermore, *Osuga* does not disclose a recording unit configured to record a history of the provision of content pages indicating “a hierarchical level of each of the provided content pages.” As discussed above, the “reply history” in *Osuga* is a record of previous replies provided to a user from an organization. *Osuga* does not record a hierarchical level of each of the content pages viewed by a user.

The Office Action asserts that *Osuga* discloses “a receiving unit configured to receive an inquiry entered into the inquiry page via the browser terminal” by referring to Paragraphs 0001 and 0010 of *Osuga*. (Office Action, Page 2). Paragraph 0001 of *Osuga* discloses that the “invention relates to a method corresponding to the inquiry which the well-informed person on the network...received especially the question.”

Paragraph 0010 of *Osuga* discloses a “screen for well-informed persons which presents the past reply situation and receives a reply to said question...a web server which has a screen for distribution persons in charge which presents the contents of a question.” The screens disclosed in *Osuga* are the screens provided to the persons responsible for responding to the user inquiry.

In contrast, Applicant’s invention displays different inquiry pages to a user for submitting inquiries to the organization. Applicant directs Examiner to note newly added Claims 14 and 15. The inquiry page displayed to a user is based on the hierarchical level of a product page that a user has viewed. (Spec., Page 21, Lines 3-9). For example, to users having only viewed product pages at the main- and sub-category levels, the inquiry page shown in FIG. 11A is provided. To users having viewed product pages of up to the series level, the inquiry page shown in FIG. 11B is provided. Finally, to users having viewed product pages all the way to the product-code level, the inquiry page shown in FIG. 11C is provided. Paragraphs 0001 and 0010 of *Osuga* do not disclose a receiving unit configured to receive an inquiry entered into the inquiry page via the browser terminal.

Newly added Claim 14 uses a “means for” element and the cited reference must be shown to show the limitation or equivalent plus teach the same function which we have demonstrated is lacking in these references.

The MPEP §2182 states that:

“application of a prior art reference to a means or step plus function limitation requires that the prior art element perform the identical function specified in the claim. However, if a prior art reference teaches identity of function to that specified in a claim, then...an examiner carries the initial burden of proof for showing that the prior art structure or step is the same as or equivalent to the structure, material, or acts described in the specification which has

been identified as corresponding to the claimed means or step plus function.”

The “means or step plus function” limitation should be interpreted in a manner consistent with the specification disclosure. See *In re Donaldson Co.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994).

The Office Action asserts that *Osuga* discloses “a judging unit configured to judge, when the inquiry is received, whether any content page of a lowest hierarchical level has been provided to the browser terminal, based on the provided-page information and the provided-level information included in the history of the provision of content pages” by referring to Paragraphs 0010, 0023, and 0025 of *Osuga*. (Office Action, Page 3).

Paragraph 0010 of *Osuga* discloses a screen used by the organization which displays the user’s question, the past reply history, and the reply from the responder. (*Osuga*, Para. 0010).

Paragraph 0023 of *Osuga* discloses a screen for users which includes a menu with user input fields such as registration, satisfaction level, and fields for entering questions. (*Osuga*, Para. 0023).

Paragraph 0025 of *Osuga* discloses a screen used by the organization to distribute questions to the appropriate persons in an organization. (*Osuga*, Para. 0025).

None of the *Osuga* paragraphs cited in the Office Action disclose a judging unit. Furthermore, *Osuga* does not judge whether any content page of a lowest hierarchical level has been provided to the browser terminal. *Osuga* merely stores a “reply history” which is a history of previous replies made to the user by the organization. In contrast, the judging unit of Applicant’s invention judges whether or not any content page of the lowest hierarchical level has been provided to the browser terminal, that is, if that content page has been displayed to the user.

The judgment result is provided to a responder individual, along with the inquiry received from the user. The judgment result enables the responder individual to make a logical presumption on the extent of the customer's knowledge of specific products. (Spec., Page 8, Lines 8-11; Figure 5).

The Office Action concedes that *Osuga* fails to disclose "a judging unit configured to judge." (Office Action, Page 3). The Office Action cites to *Fushimi et al.* to supplement the deficiencies in *Osuga*.

Fushimi et al. discloses an electronic catalog aggregation apparatus which facilitates the distribution of electronic catalogs from various catalog providers through a common system. (*Fushimi et al.*, Abstract). The goal of *Fushimi et al.* is to provide an electronic catalog system which aggregates multiple electronic catalogs from different providers, and to provide a common accounting operation for all of the electronic catalogs. *Fushimi et al.* can be used in a website which simply links to different electronic catalogs, and where the website owner makes sales commissions from catalog owners for sales generated from the website. (See *Fushimi et al.*, Para. 0008). This is a common type of commerce website that uses content pages to encourage visits and offer products directed to the type of visitors that would view the website, e.g. travel information on points of interest and airline tickets and hotel accommodations for points of interest.

The Office Action relied upon *Fushimi et al.* for purportedly being in the same field of endeavor and capable of providing a judging step when an inquiry is received as to whether the content page of a predetermined hierarchy level had been previously provided. However, the judging unit in *Fushimi et al.* is only associated with a catalog aggregator that simply is capable of judging the catalog provider who provided the catalog data for making a determination

whether a selected product catalog could be provided or not. (*Fushimi et al.*, Para. 0115, Fig. 12, Element S189).

“Upon receiving the catalog data, the catalog aggregator 3 judges the catalog provider who provided this catalog data (step S107). Here, the catalog provider device group 1 may provide an identification information of the catalog provider along with the catalog data in order to make it easier for the catalog aggregator 3 to judge the catalog provider who provided the catalog data, or the catalog provider may be judged by some other method.” (*Fushimi et al.*, Para. 0115).

Fushimi et al. therefore discloses judging which catalog provider provided catalog data, as well as judging whether a particular product catalog can be provided or not. (*Fushimi et al.*, Fig. 12, Elements S107 and S189).

As can be readily appreciated, this is not directed to the user and inquiries made through an inquiry page, nor any history of browser pages from a specific user. *Fushimi et al.* simply discloses a catalog aggregator which searches a catalog for missing information. When missing information is detected, a contact provider is then contacted automatically to provide the missing information. (*Fushimi et al.*, Para 0127). Thus, the catalog aggregator makes a request to the content provider to provide missing information.

The *Fushimi et al.* reference simply converts a plurality of pieces of electronic catalog data specified by a catalog user into one electronic catalog, teaches a catalog aggregator for securing the title or for securing a source of catalog data. It certainly does not teach a storing of history, of browsing, nor judging whether any content page of a lowest hierarchy level has been provided to the browser terminal.

In contrast, Applicant's invention automatically judges whether a user has visited a particular product page, and informs the responder if the particular product page has been viewed or not. (*Spec.*, Page 14, Lines 1-7). This information allows the responder to provide an

appropriate response to the user. For example, if the user has already viewed a product page, the responding will not direct the user to view the product page, but will respond with more specific information which may not be found on the product page.

Furthermore, *Osuga* discloses employing a “person in charge” to distribute questions to appropriate persons outside of an organization. Employing a person in charge of distributing questions to outside responders is less efficient and more costly than providing a responder with a user’s browsing and hierarchical content page history. In Applicant’s invention, the responder has enough information to make an informed response to the user, minimizing the risk of sending the user too little information and having to respond to a follow-up inquiry from the user. Thus, the *Osuga* reference actually teaches away from our present invention which has long been recognized as an indicia of non-obviousness.

“A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.” *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994); *see KSR*, 127 S. Ct. at 1739-40 (explaining that when the prior art teaches away from a combination, that combination is more likely to be nonobvious). Additionally, a reference may teach away from a use when that use would render the result inoperable. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1354 (Fed. Cir. 2001).

In re Icon Health and Fitness, Inc. 2007 U.S. App. Lexis 18244,
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Neither the *Osuga* nor the *Fushimi et al.* teach alone, or in combination, a recording unit for recording a user’s specific browsing history and storing it to enable a judging step to judge whether a content page of a lowest hierarchical content has been previously provided to the browsing terminal. Certainly there is no teaching or suggestion of providing any page containing

the received inquiry and the result of the judgment to a responder's terminal to improve the efficiency of responding to such an inquiry.

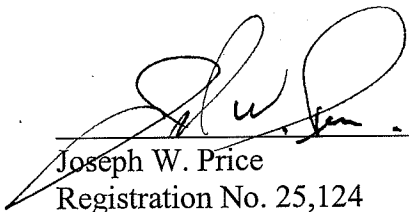
Claims 2, 3, and 6-10 depend from Claim 1. The dependent claims add features that more particularly define the invention and further distinguish over the cited references and prior art of record.

In view of the above comments, it is believed that the present case is now in condition for allowance and early notification of the same is requested.

If there are any questions with regards to this matter, the undersigned attorney would appreciate a telephone conference.

Very truly yours,

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